

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the Applicant would like to thank the Examiner for the indication that claims 6, 7, 9, 10, 18, 19, 21, and 22 contain allowable subject matter.

However, in the Official Action, the Examiner rejects claims 1, 2, 11, 13, 14, and 23 under 35 U.S.C. § 102(b) as being anticipated by Great Briton Patent No. 949,733 to Kent et al. (hereinafter "Kent"). Furthermore, the Examiner rejects claims 3, 5, 8, 15, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Kent in view of U.S. Patent No. 1,520,697 to Carlson (hereinafter "Carlson"). Lastly, the Examiner rejects claims 4, 12, 16, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Kent in view of Carlson and further in view of U.S. Patent No. 3,819,186 to Hinterstocker (hereinafter "Hinterstocker").

In response, Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. §§ 102(b) and 103(a) for at least the reasons set forth below.

Turning now to the prior art, the Examiner argues that Kent discloses, in Figure 6, a combination craps and roulette game comprising a casino gaming table (citing reference numeral 21) having a game surface with indicia for displaying bets, and a rotatable wheel (citing reference numeral 22) having a plurality of slots (citing reference numeral 23). The Examiner further argues that each of the slots on the wheel corresponds to a face of at least one die (1-6) and that the wheel has a retaining means for directing a rolled ball such that it comes to rest in one of the plurality of slots (citing page 2, line 49-58). The Applicant respectfully disagrees with the Examiner's reading of the Kent reference.

Kent discloses, in Figure 6, a wheel having the numbers 1-6 repeated six times thereon. Although, the Examiner is correct in arguing that the game surface of Kent has bets

displayed thereon, Claim 1 recites a game surface having bets displayed thereon for **both craps and roulette**. Kent neither discloses nor suggests a combination craps/roulette game nor displaying craps bets on the game surface. The bets displayed on the game surface of Kent are roulette bets because they only relate to the number that is selected from the wheel (see page 5, lines 50 - 126). In fact, Kent makes no mention of craps at all.

With regard to Carlson, the same merely shows a crap game in which the dice are replaced by a wheel having the combinations of a pair of dice. Carlson does not disclose or suggest a combination craps/roulette game or a game surface having indicia displayed thereon **for both craps and roulette**.

With regard to Hinterstocker, the same discloses an electronic roulette game. Hinterstocker neither discloses nor suggests a combination roulette and craps game.

Also with regard to Kent, the Examiner argues that the same discloses the features of claim 17. The Applicant respectfully disagrees. Kent only shows numbers 1-6 on the wheel where the odd numbers are marked with the indicia "red" and even numbers are marked with the indicia "black." Therefore, Kent shows color-coding the numbers on the wheel based on whether the number is odd or even. Kent neither shows the possible combinations of faces of a pair of dice nor color-coding the slots of the wheel based on the combination of faces of the dice. While Carlson discloses a wheel having a combination of dice faces, neither Carlson nor Hinterstocker disclose color-coding the slots of the wheel based on the combination of faces of the dice.

Therefore, claim 13 has been amended to recite the features of claim 17 and intervening claim 15. Accordingly, claims 15 and 17 have been canceled and claims 16 and 18 have been amended to change their dependencies from canceled claims 15 and 17 to claim

13. Claims 20-22 have also been canceled to avoid redundancies. No new matter has been entered into the disclosure in doing so.

Therefore, with regard to the rejection of claim 1 under 35 U.S.C § 102(b), a combination craps and roulette game having a game surface which displays bets for both craps and roulette, as claimed in independent claim 1, is nowhere disclosed in Kent. Since it has been decided that “anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,”¹ independent claim 1 is not anticipated by Kent. Accordingly, independent claim 1 patentably distinguishes over Kent and is allowable. Claims 2 and 11 being dependent upon claim 1 are thus allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1, 2, and 11 under 35 U.S.C. § 102(b).

With regard to the rejection of claim 13 under 35 U.S.C § 102(b), a wheel for determining a winner of a bet having a plurality of slots corresponding to a face of at least one die wherein the plurality of slots are color coded based on the combination of faces of the pair of dice to which it corresponds, as claimed in independent claim 13, as amended, is nowhere disclosed in Kent. Since it has been decided that “anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,”² independent claim 13 is not anticipated by Kent. Accordingly, independent claim 13 patentably distinguishes over Kent and is allowable. Claim 14 being dependent upon claim 13 is thus allowable therewith, claim 23 being canceled. Consequently,

¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

² Id.

the Examiner is respectfully requested to withdraw the rejection of claims 13, 14, and 23 under 35 U.S.C. § 102(b).

With regard to the rejections of claims 3-5, 8, 12, 15-17, and 20, since independent claims 1 and 13 (as amended) patentably distinguish over the prior art and are allowable, claims 3-5, 8, 12, and 16 are allowable therewith because they depend from an allowable base claim, claims 15, 17, and 20 being canceled.

In other words, independent claims 1 and 13, as amended, are not rendered obvious by the cited references because neither the Kent patent, the Carlson patent, nor the Hinterstocker patent, whether taken alone or in combination, teach or suggest a combination craps/roulette game or wheel having the features discussed above. Accordingly, claims 1 and 13 (as amended) patentably distinguish over the prior art and are allowable. Claims 3-5, 8, 12, and 16, being dependent upon claims 1 and 13, are thus allowable therewith, claims 15, 17, and 20 being canceled. Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 3-5, 8, 12, 15-17, and 20 under 35 U.S.C. § 103(a).

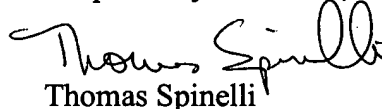
Lastly, although the Applicant feels that claims 1 and 13 cover not only physical embodiments of the combination craps/roulette game and/or the wheel but also electronic displays thereof (see page 7, line 29 to page 8, line 5 of the specification), new claims 24 and 25 have been added which are specifically directed to an electronic game version of the craps/roulette game disclosed in the present application. The Applicant respectfully submits that the prior art of record does not disclose or suggest an electronic game having a display as recited in new claim 24. Therefore, new claim 24 patentably distinguishes over the prior art and is allowable as is new claim 25 that depends therefrom.

New claims 24 and 25 are fully supported in the original disclosure from page 7, line 29 to page 8, line 5. Therefore, no new matter has been entered into the disclosure by way of the addition of new claims 24 and 25.

Attached hereto is a marked-up version of the changes made to the application by the current amendment. The attached page is captioned **"Version with Markings to Show Changes Made."**

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Thomas Spinelli
Registration No.: 39,533

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

TS/cm
Enclosure (Version with Markings to Show Changes Made)

09/724/243

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 15, 17 and 20-23 have been canceled, new claim 24 has been added, and the claims have been amended as follows:

13. (Amended) A wheel for determining a winner of a bet, the wheel comprising:

a plurality of slots, each of the plurality of slots corresponding to [a face of at least one die] each of a possible combination of faces of a pair of dice; and

means for retaining and directing a rolled ball such that the rolled ball comes to rest in one of the plurality of slots[.];

wherein the plurality of slots are color coded based on the combination of faces of the pair of dice to which it corresponds.

16. (Amended) The wheel of claim [15] 13, further comprising a slot corresponding to the number zero.

18. (Amended) The wheel of claim [17] 13, wherein any combination of faces of the pair of dice which is less than seven is color coded in a first color, any combination of faces of the pair of dice which is greater than seven is color coded in a second color, and any combination of faces of the pair of dice which is seven is color coded in a third color.

--24. (New) An electronic combination craps and roulette game comprising a display for displaying a game surface having bet indicia thereon for displaying bets for both craps and roulette.

25. (New) The electronic combination craps and roulette game of claim 24, wherein the display further comprises a wheel having die indicia corresponding to each face of at least one die, the wheel also having means for selecting one of the die indicia.--

A handwritten mark, possibly a signature or initials, consisting of a large 'A' with a diagonal line through it.